

FEDERAL COMMUNICATIONS COMMISSION

DA 01-741

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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In the Matter of )

)  
Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations.  
(Cobleskill and Saint Johnsville, New York)

MM Docket No. 00-40  
RM-9824

**REPORT AND ORDER**  
**(Proceeding Terminated)**

**Adopted: March 14, 2001****Released: March 23, 2001**

By the Chief, Allocations Branch:

1. At the request of Regent Licensee of Mansfield, Inc. (formerly Clear Channel Broadcasting Licensees, Inc.) ("petitioner"),<sup>1</sup> the Commission has before it the Notice of Proposed Rule Making, 15 FCC Rcd 4983 (2000), proposing the reallocation of Channel 278B from Cobleskill, New York, to Saint Johnsville, New York, as the community's first local aural service, and the modification of Station WQBJ's license to specify Saint Johnsville as its community of license. Comments were filed by the petitioner reiterating its intention to apply for the channel, if allotted. No other comments were received.

2. As stated in the Notice, petitioner seeks the modification of Station WQBJ's license to specify a new community of license pursuant to the provisions of Section 1.420(i) of the Commission's Rules. We find that Saint Johnsville is a community for allotment purposes, with a 1990 U.S. Census population of 1,825 people. It has its own police department, schools, library, town clerk, youth center, village justice center, housing authority, ambulance organization, post office and zip code. In addition, it has several local churches, restaurants and food stores, a bank and other retail establishments.

3. As the Notice stated, petitioner does not intend to relocate Station WQBJ's present transmitter site. Therefore, there is no loss or gain in the service currently being provided by the station. In comparing the proposed allotment of Channel 278B at St. Johnsville versus its retention at Cobleskill, we are guided by the Commission's allotment priorities.<sup>2</sup> The first two allotment priorities do not apply in this case. However, the allotment of Channel 278B to St. Johnsville will provide the community with its first local aural service, thus furthering the Commission's third allotment priority.

<sup>1</sup> After the initiation of the rule making, the license of Station WQBJ was transferred from Clear Channel to Regent. On March 9, 2001, Regent filed comments stating its intention to apply for Channel 278B if allotted to Saint Johnsville.

<sup>2</sup> The allotment priorities are: (1) first fulltime aural service; (2) second fulltime aural service; (3) first local aural service; and (4) other public interest matters. Priorities (2) and (3) are given co-equal weight. See, Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982).

In contrast, the allotment of Channel 278B at Cobleskill, as that community's second local aural service, furthers only the fourth priority. Cobleskill will continue to receive local aural service from AM Station WXBH. Further, Station WQBJ, as a Saint Johnsville station, will not provide 70 dBu service to any Urbanized Area. Therefore, we believe the public interest would be served by reallocating Channel 278B to Saint Johnsville, as the community's first local aural service. In accordance with Section 1.420(i) of the Commission's Rules, we will also modify Station WQBJ's license to specify Saint Johnsville as its community of license.

4. Channel 278B can be allotted to Saint Johnsville in compliance with the Commission's minimum distance separation requirements with a site restriction of 15.9 kilometers (9.9 miles) east, to accommodate petitioner's desired transmitter site.<sup>3</sup> Although Saint Johnsville is located within 320 kilometers (200 miles) of the U.S.-Canadian border, prior approval of this allotment by the Canadian Government was not required since no change in the station's transmitter site was proposed. However, the Canadian Government will be notified of the change in the station's community of license.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective May 7, 2001, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Cobleskill, New York	--
Saint Johnsville, New York	278B

6. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Regent Licensee of Mansfield, Inc., for Station WQBJ, Channel 278B, IS MODIFIED to specify Saint Johnsville, New York, in lieu of Cobleskill, New York, as its community of license, subject to the following conditions:

- (a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301).
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

<sup>3</sup> The coordinates for Channel 278B at Saint Johnsville are 42-58-21 North Latitude and 74-29-30 West Longitude.

7. Pursuant to Commission Rule Section 1.1104(1)(k) and (3)(m), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Regent Licensee of Mansfield, Inc., licensee of Station WQBJ, is required to submit a rule making fee in addition to the fee required for the applications to effect the change in community of license and/or upgrade.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**FEDERAL COMMUNICATIONS COMMISSION**

**John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau**